

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC.,
Plaintiff,
v.
LAWSON SOFTWARE, INC.,
Defendant.

Civil Action
No. 3:09CV620
October 28, 2011

COMPLETE TRANSCRIPT OF CONFERENCE CALL
BEFORE THE HONORABLE ROBERT E. PAYNE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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DIANE J. DAFFRON, RPR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

EXHIBIT

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1 would have thought someone would have reviewed it in
2 order to make the clawback response. But let's leave
3 that aside and just -- I find myself in a difficult
4 position, Your Honor, given that I have to finish this
5 review and prepare for a hearing.

6 I will say that Mr. Thomasch and his team and
7 my team had a fairly protective discussion for about
8 an hour last evening where we were able to agree on
9 certain things and come to an agreement to disagree on
10 other things, including the scope and nature of the
11 hearing that Your Honor contemplates.

12 We want it to be efficient. We want it to be
13 quick. I'm concerned that Lawson wants to turn this
14 into a retrial of the case based on our discussions.
15 We are willing to identify witnesses. We're willing
16 to identify exhibits, but given the time the Court has
17 available, I can't envision this as a retrial, and I
18 don't think the Court envisioned this as a retrial.

19 There are three focused issues that Lawson
20 contends are different from RQC and RSS. And we think
21 the hearing ought to focus on that and whether they
22 are colorably different or not.

23 This is not a new infringement trial. And I
24 don't think the Court ever contemplated that and I
25 don't think the case law contemplates that. For

1 MR. ROBERTSON: Thank you, Your Honor.

2 THE COURT: Bye-bye.

3

4 (The proceedings were adjourned at 5:50 p.m.)

5

6 I, Diane J. Daffron, certify that the
7 foregoing is a true and accurate transcription of my
8 stenographic notes.

9

/s/

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DIANE J. DAFFRON, RPR, CCR

DATE

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